समक्ष माननीय राज्य प्रशासनिक अधिकरण खण्डपीठ रायपुर (छग)

COA(S) 4039/01

ओ. ए. क्रमांक /2001

(3)

कु. हर्षा जानी
उच्च श्रेणी शिक्षक
पूर्व प्राथमिक शाला बाल मंदिर
नयापारा, जगदलपुर
जिला बस्तर (छग) ... आवेदिका

विरूद्ध

(1) छत्तीसगढ़ शासन
द्वारा- सचिव
आदिम जाति कल्याण विभाग
मंत्रालय, रायपुर
जिला रायपुर (छग)

(2) कलेक्टर
आदिवासी विकास
जिला बस्तर जगदलपुर (छग)

(3) सहायक आयुक्त
आदिवासी विकास जगदलपुर
जिला बस्तर (छ. ग.) ... अनावेदकगण

आवेदन पत्र अन्तर्गत धारा 19 म. प्र. राज्य प्रशासनिक अधिकरण अधिनियम

(34)

HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) NO. 4039 OF 2005.

PETITIONER : Ku. Harsha Jani

Versus

RESPONDENTS : State of Chhattisgarh & others.

Present : Shri Y.C. Sharma, Advocate for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer, for the State/ respondents.

(ORAL ORDER)
(Passed on 14th July, 2006)

The petitioner was working as Upper Division Teacher in Pre Primary School, Balmandir, Nayapara, Jagdalpur. By order dated 08/10/2001(Annexure-A/1), the petitioner being surplus teacher in Government Pre Primary School, Balmandir, Nayapara, Jagdalpur was transferred to Government Higher Secondary School, Dingrapal, Block Tokapal, District Jagdalpur. The petitioner has filed this petition impugning the said order dated 08/10/2001 (Annexure-A/1) on the ground that he was declared as surplus without following the Circular dated 30/06/2001 (Annexure-A/2). On the Original Application filed before the M.P. State Administrative Tribunal, Bench at Raipur, the Tribunal by its order dated *23-10-2001 granted status quo with regard to her posting as on* 15-10-2001. According to the petitioner, since then she has been continuing to work as Upper Division Teacher in Government Pre Primary School, Balmandir, Nayapara, Jagdalpur. Be that as it may, the petitioner

has been granted final relief by interim order dated 23/10/2001. The petitioner has no right to continue at one place for ever.

(2) Transfer is an incidence of service and it is for the employer to post the employee at a particular place in view of the administrative exigency and in the public interest. Accordingly, the respondents/ State is at liberty to post the petitioner as per the administrative exigency and in the public interest. This petition has become infructuous with the passage of time. However, in the facts and circumstances of the case, it is expected that the respondents/ State will not insist the petitioner to comply with the impugned order dated 08/10/2001.

(3) For the reasons stated above, this writ petition is disposed of. No order as to costs.

Parties are entitled for certified copy of this order.

Sd/-
Satish K. Agnihotri
Judge